

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
UNITED STATES OF AMERICA : **SEALED SUPERSEDING**
: **INFORMATION**
- v. - :
:
YUE JUAN CHEN, : S1 19 Cr. 39 (JMF)
:
Defendant. :
:
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COUNT ONE
(Conspiracy to Traffic in Contraband Cigarettes)

The United States Attorney charges:

1. From at least in or about June 2013 up to and including at least in or about January 2019, in the Southern District of New York and elsewhere, YUE JUAN CHEN, the defendant, and others known and unknown, willfully and knowingly did combine, conspire, confederate, and agree together and with each other to commit an offense against the United States, to wit, to violate Title 18, United States Code, Sections 545 and 2342.

2. It was a part and an object of the conspiracy that YUE JUAN CHEN, the defendant, and others known and unknown, did knowingly ship, transport, receive, possess, sell, distribute, and purchase contraband cigarettes, as that term is defined in Title 18, United States Code, Section 2341, in

violation of Title 18, United States Code, Section 2342.

3. It was further a part and an object of the conspiracy that YUE JUAN CHEN, the defendant, and others known and unknown, did smuggle and clandestinely introduce into the United States merchandise which should have been invoiced, in violation of Title 18, United States Code, Section 545.

Overt Act

4. In furtherance of the conspiracy and to effect the illegal objects thereof, the following overt act, among others, was committed in the Southern District of New York and elsewhere:

a. On or about May 25, 2018, a coconspirator not named as a defendant herein, sold a carton of contraband cigarettes from a store located in or around Hester Street in New York, New York.

(Title 18, United States Code, Section 371.)

COUNT TWO
(Trafficking in Contraband Cigarettes)

The United States Attorney further charges:

5. From at least in or about June 2013 up to and including at least in or about January 2019, in the Southern District of New York and elsewhere, YUE JUAN CHEN, the defendant, did knowingly ship, transport, receive, possess,

sell, distribute, and purchase contraband cigarettes, as that term is defined in Title 18, United States Code, Section 2341, to wit, a quantity of more than 10,000 cigarettes, which bore no evidence of the payment of applicable State cigarette taxes in the State of New York.

(Title 18, United States Code, Sections 2342 and 2.)

COUNT THREE
(Conspiracy to Bribe a Public Official)

The United States Attorney further charges:

6. From at least in or about June 2013 up to and including at least in or about January 2019, in the Southern District of New York and elsewhere, YUE JUAN CHEN, the defendant, and others known and unknown, willfully and knowingly did combine, conspire, confederate, and agree together and with each other to commit an offense against the United States, to wit, to violate Title 18, United States Code, Section 201(b)(1)(C).

7. It was a part and an object of the conspiracy that YUE JUAN CHEN, the defendant, and others known and unknown, did, directly and indirectly, corruptly give, offer, and promise a thing of value to a public official, with intent to induce such public official to do an act and omit to do an act in violation of the lawful duty of such official, in violation of Title 18,

United States Code, Section 201(b)(1)(C).

Overt Act

8. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt act, among others, was committed in the Southern District of New York and elsewhere:

a. On or about January 16, 2019, YUE JUAN CHEN, the defendant, gave cash to a United States Postal Service employee in exchange for delivering a package of contraband cigarettes to an address not listed on the mailing label of such package.

(Title 18, United States Code, Section 371.)

COUNT FOUR
(Bribery of a Public Official)

The United States Attorney further charges:

9. From at least in or about June 2013 up to and including at least in or about January 2019, in the Southern District of New York and elsewhere, YUE JUAN CHEN, the defendant did, directly and indirectly, corruptly give, offer, and promise a thing of value to a public official, with intent to induce such public official to do an act and omit to do an act in violation of the lawful duty of such official, to wit, CHEN gave cash to a United States Postal Service employee so that the United States Postal Service employee would deliver packages of

contraband cigarettes to an address other than that listed on the mailing labels of such packages.

FORFEITURE ALLEGATIONS

10. As a result of committing the offenses alleged in Counts One and Two of this Information, YUE JUAN CHEN, the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Sections 981(a)(1)(C), and 2344(c), Title 28, United States Code, Section 2461(c), and Title 49, United States Code, Section 80303, any and all property, real and personal, which constitutes or is derived from proceeds traceable to said offenses; any and all contraband cigarettes or contraband smokeless tobacco involved in said offenses; and any and all aircraft, vehicles and vessels used to transport, conceal, possess, or facilitate the transportation, concealment, receipt, possession, purchase, sale, exchange or giving away, of contraband cigarettes involved in said offenses; and, pursuant to Title 18, United States Code, Section 982(a)(2)(B), any and all property constituting or derived from proceeds obtained directly or indirectly as a result of said offenses, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offenses.

Substitute Assets Provision

11. If any of the above-described forfeitable property, as a result of any act or omission of YUE JUAN CHEN, the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty,

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), and Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable

property described above.

(Title 18, United States. Code, Sections 981 and 2344;
Title 28, United States Code, Section 2461;
Title 21, United States Code, Section 853; and
Title 49, United States Code, Section 80303)

Geoffrey S. Berman
GEOFFREY S. BERMAN *BB*
United States Attorney

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(18 U.S.C. §§ 371, 2342, and
201(b)(1)(C))

GEOFFREY S. BERMAN
United States Attorney.
